

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

RICHARD BOYD, individually and d/b/a
RICHIE B'S DIAMOND CLUB a/k/a
RICHIE B'S DIAMOND SPORTS BAR; and
R & B FOOD & BEVERAGE CORP., an unknown
business entity d/b/a RICHIE B'S DIAMOND
CLUB a/k/a RICHIE B'S DIAMOND SPORTS
BAR,

Defendants.
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VITALIANO, D.J.

MEMORANDUM & ORDER

2:17-CV-6822 (ENV)(AYS)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JAN 24, 2019 ★
BROOKLYN OFFICE
[Handwritten signature]

Plaintiff J & J Sports Productions, Inc. filed this action, on November 21, 2017, against defendants Richard Boyd and R & B Food & Beverage Corp., alleging violations of the Communications Act of 1934, 47 U.S.C. § 605 *et seq.*, and the Cable and Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 553 *et seq.* Compl., Dkt. 1. Defendants have not appeared or otherwise responded to the complaint, though the time to do so has passed. *See* Mar. 27, 2018 Entry of Default, Dkt. 11. On July 11, 2018, plaintiff filed a motion for default judgment, which the Court referred to Magistrate Judge Anne Y. Shields for report and recommendation. *See* Mot. for Default J., Dkt. 12; July 18, 2018 Order.

By Report and Recommendation dated November 16, 2018 (the "R&R"), Judge Shields recommended that the motion for default judgment be granted; defendant Richard Boyd be held individually liable, in addition to the corporate defendant; and plaintiff receive damages of \$8,400, comprising \$2,800 in statutory damages and \$5,600 in enhanced damages. R&R at 5-6, 8-9, Dkt. 13. Judge Shields also recommended plaintiff be granted leave to move for attorney's

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fees and costs within 30 days from entry of judgment. *Id.* at 10. Notice of time to object to the R&R was given, but no party has objected within the time to do so. *See id.* at 10-11; Certificate of Service on Defs., Dkt. 14.

Discussion

Where no party has objected to a report and recommendation, clear-error review applies. *See Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014). Having carefully reviewed the R&R in accordance with this standard, the Court finds it to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R, in its entirety, as the opinion of the Court.

Conclusion

For the foregoing reasons, the R&R is adopted in its entirety, as the opinion of the Court.

The Clerk of Court is directed to enter judgment for plaintiff in accordance with this decision.

Entry of judgment, however, is stayed for 30 days from the date this Memorandum & Order is entered on the docket, during which time, pursuant to a grant of leave, plaintiff may file a motion for attorney's fees and costs. *No extensions will be granted.* Should plaintiff make timely filing, entry of judgment will be further stayed until that motion is heard and determined. If a timely motion is not filed, judgment shall enter forthwith without further order of the Court.

So Ordered.

Dated: Brooklyn, New York

January 9, 2019

/s/ USDJ ERIC N. VITALIANO

ERIC N. VITALIANO

United States District Judge